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10/569,237

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EXAMINER

NASRI, JAVAID H

ART UNIT

PAPER NUMBER

2839

MAIL DATE

DELIVERY MODE

07/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/569,237 | <b>Applicant(s)</b><br>TAKEUCHI, KESATOSHI |  |
|                              | <b>Examiner</b><br>Javaid Nasri      | <b>Art Unit</b><br>2839                    |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 10-20 is/are rejected.
- 7) ☒ Claim(s) 2 and 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/22/06</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - a) On page 18, lines 10 and 27, phase difference is not clear, -/2?
  - b) The abstract should be on a separate sheet. Abstract in PCT is not acceptable.

**Note: These are few examples only. Applicant is required to check the entire disclosure and correct the disclosure accordingly.**

### ***Claim Objections***

2. Claim 9 is objected to because of the following informalities:
  - a) In claim 9, lines 1 and 2, change “fun” to -- fin --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bitting (4,491,772).

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Bitting discloses, **for claim 1**, an electric rotary machine having a rotor and a control circuit for the rotor, said control circuit selectively switching the normal rotation and the reverse rotation of the rotor (switch S1); and a fin structure unified with the rotor, wherein said rotor has a structure of being encircled by coils,

5. Claims 1, 3-6 and 10-20, are rejected under 35 U.S.C. 102(b) as being anticipated by Hosaya (4,758,751).

Hosaya discloses, **for claim 1**, an electric rotary machine having a rotor (4) and a control circuit for the rotor, said control circuit selectively switching the normal rotation and the reverse rotation of the rotor (switch 12A, 12B, see col. 6, lines 18-32, col. 8, lines 10-15); and a fin structure (9) unified with the rotor (see col. 5, lines 6-10), wherein said rotor has a structure of being encircled by coils (6, 6'), **for claim 3**, the electric rotary machine is provided with a first magnetic member (6A), a second magnetic member (6') disposed to face the first magnetic member with a space there between, a third magnetic member (4) disposed between the first and the second magnetic members and configured to be relatively movable to both the first and second magnetic members in a predetermined direction in the space, wherein each of the first and second magnetic members has a plurality of electromagnetic coils which are current-excitable and disposed in order along each magnetic member so as to have relative differences in disposal pitches of both of the electromagnetic coils of the first magnetic members and the electromagnetic coils of the second magnetic member, and the third magnetic member has a plurality of permanent magnets magnetized to predetermined magnetic poles and disposed in order along the third magnetic member, the third

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magnetic member being unified with the fin structure so as to serve as the rotor, for **claim 4**, exciting circuit means configured to supply excitation current to the electromagnetic coils of at least one of the first and second magnetic members, **for claim 5**, the exciting circuit means is configured to supply the excitation current to the electromagnetic coils of the first and second magnetic members, the excitation current being set to give the same magnet pole to the electromagnetic coils of each of the first and second magnetic members, **for claim 6**, the excitation current supplied to the electromagnetic coils of the first magnetic member is different in phase from the excitation current supplied to the electromagnetic coils of the second magnetic member, **for claim 10**, a support device (21) rotatably supporting the rotor, the support device being disposed at a rotational center of the rotor, **for claim 11**, a support device (2) rotatably supporting the rotor, the support device being disposed around a peripheral portion of the rotor, **for claim 12**, the electric rotary machine is an electric motor, **for claim 13**, the electric rotary machine is an electric generator (reverse use), **for claim 14**, can be used as a fan unit for a heat exchange system having a compressor (see note below), **for claim 15**, an electric rotary machine having a rotor (4) and a control circuit for the rotor (11), said control circuit selectively switching the normal rotation and the reverse rotation of the rotor (switch 12A, 12B, see col. 6, lines 18-32, col. 8, lines 10-15); and a fin structure unified with the rotor (9, see col. 5, lines 6-10) , wherein the electric rotary machine is provided with a first magnetic member (6A), a second magnetic member (6') disposed to face the first magnetic member with a space there between, a third magnetic member (4) disposed between the first and the second

magnetic members and configured to relatively movable to both the first and second magnetic members in a predetermined direction in the space; and wherein, each of the first and second magnetic members has a plurality of electromagnetic coils (6') which are current-excitable and disposed in order along each magnetic member so as to have relative differences in disposal pitches of both of the electromagnetic coils of the first magnetic members and the electromagnetic coils of the second magnetic member; and the third magnetic member has a plurality of permanent magnets magnetized to predetermined magnetic poles and disposed in order along the third magnetic member, the third magnetic member being unified with the fin structure so as to serve as the rotor, **for claim 16**, exciting circuit means configured to supply excitation current to the electromagnetic coils of at least one of the first and second magnetic members, **for claim 17**, the exciting circuit means is configured to supply the excitation current to the electromagnetic coils of the first and second magnetic members, the excitation current being set to give the same magnet pole to the electromagnetic coils of each of the first and second magnetic members, **for claim 18**, the excitation current supplied to the electromagnetic coils of the first magnetic member is different in phase from the excitation current supplied to the electromagnetic coils of the second magnetic member, **for claim 19**, each of the first, second and third magnetic members is formed into a circular arch shape (see figure 4), **for claim 20**, both of the first and second magnetic members are disposed with an equal spatial distance kept there between and the third magnetic member is located at a central position between first and second magnetic members.

Note: Regarding “used in ---” in Apparatus, Article and Composition Claims, Intended Use Language Must Result in a Structural Difference to Patentably Distinguish Over the Prior Art. See MPEP § 2111.02, 2112, & In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

### ***Allowable Subject Matter***

6. Claims 2 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **REASONS FOR ALLOWANCE**

7. The following is an examiner’s statement of reasons for allowance:

The reason for allowance of the claims is the inclusion of the limitation,

- a) For claim 2, none of the prior art teaches or suggest, alone or in combination the rotor is being formed to have an opening at a central portion in a direction along which the opening permits fluid to flow, in combination with other limitations in the claim which is not found in the prior art reference of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

**Contact**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Javaid Nasri/  
Primary Examiner, Art Unit 2839

Jhn  
July 11, 2008